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In re application of: **ScoringSystem, Inc.**International Application No.: **PCT/US04/26031**International Filing Date: **10 August 2004**For: **SYSTEM AND METHOD FOR SITE-SPECIFIC ELECTRONIC RECORD-KEEPING**

August 9, 2005

**Attention: Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**LETTER ACCOMPANYING AMENDMENT UNDER ARTICLE 19 and 34**

Sir:

Responsive to the International Search Report and the Written Opinion of the International Searching Authority mailed 11 May 2005, please amend the above-identified international application by substituting the claim pages attached hereto for original claim Pages 24-31.

**REMARKS**

Claims 1, 4, 16, 25, 35, 39 and 40 have been amended. Claims 44-52 are new. Non-substantive typographical errors were corrected in Claims 10 and 42. The remainder of the claims are unchanged. The same number of independent claims exists, namely, Claims 1, 16 and 25 remain the only independent claims to be considered. Each of the independent claims has been amended to distinguish over the references cited by the Examiner in the Written Opinion.

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The Examiner has determined that original Claims 1-20, 23 and 25-43 lacked novelty under PCT Article 33(2) as being anticipated by Godfrey et al. (US 2003/0023337 A1). The Examiner has also determined that Claim 24 as originally filed lacked an inventive step under PCT Article 33(3) as being obvious over Godfrey et al. The Examiner further determined that Claims 21-22 lacked an inventive step under PCT Article 33(3) as being obvious over Godfrey et al. in view of Thorvaldsson et al. (US 6,546,304).

In the response to the Examiner's determinations, each of the independent claims (1, 16, and 25) has been amended to state that the first and second data sets both include geographic position data and that the data processing means is capable of generating a chronologically and/or geographically ordered site-specific history of the item describing each state of the item at each time and location for which data was collected.

More specifically, in Claim 1, for example, the first data set is described as including "global positioning system data (56a-56e) corresponding to the item's location in the first state at a first time, data descriptive of the first state of the item and identification data correlated to the item." Further, the second set of data includes "global positioning system data (56-56e) corresponding to the item's location in the second state at a second time, data descriptive of the second state of the item and identification data correlated to the item."

None of the references cited by the Examiner, in particular the principal reference, Godfrey et al., discloses the use of global positioning system data alone or in conjunction with the recordation of an item's state at a particular time, data descriptive of the state and identification data correlated to the item. Accordingly, none of the references, in particular Godfrey et al., is capable of generating a "chronologically and/or geographically ordered site-specific history of the item describing each state of the item at each time and location for which data was collected" as is now claimed in Claim 1. This distinction illuminates the differences between the references and the present invention. Namely, both Godfrey et al. and Thorvaldsson et al. describe systems which exert strict control over the functions performed thereby, the person(s) who performs them, as well as where and when they are performed. In contrast, the system and method of the present invention is capable of monitoring variable functions performed by variable entities at variable times and places. The present invention can monitor variable events and report on them without the necessity for scripted or programmatic control thereover. One of the methodologies which permits the present invention to receive and process this more general, variable information is the use of geographic data. This flexibility allows the present invention to function in diverse environments and diverse applications.

Godfrey et al., on the other hand, is specifically directed to a methodology for conducting quality assurance/quality control during a

manufacturing process, e.g., the manufacture of an inhalation device for dispensing medicament to the lungs and bronchial tracks. Quality is assured by strictly checking and tracking the completion of steps required for a successful manufacturing operation. Godfrey et al. also suggests that it may be utilized in a process for container filling or for blending, coating, weighing, product testing and packaging. Godfrey et al. suggests that some portions of a multi-stage manufacturing process may be conducted by more than one entity, including entities that are in separate locations. Notwithstanding, even in that instance, the system described in the Godfrey et al. application is applied to a closely controlled, strictly defined process which is scripted in sequence, with the identity of the entities and their locations known prior to the initiation of the process. Godfrey et al. therefore provides a system and method for assuring that a pre-defined, scripted process is properly and successfully completed.

Similarly, in Thorvaldsson et al. the processing steps, the location where the processing steps are conducted and the entities (workers) that will perform the steps are known in advance. In Thorvaldsson et al., the processing is clearly defined as the butchering of a piece of meat within a single facility having different stations. Thorvaldsson et al. does suggest that some variations may be made in the processing of the meat depending upon considerations such as throughput, operator skill at a particular station, the type of cut of meat, etc. However, there is no suggestion that the geographic

location of the various terminals and entities performing the butchering in the Thorvaldsson et al. disclosure would be useful to know or record. In contrast to the scripted and controlled processes described in Godfrey et al. and Thorvaldsson et al., the present invention describes a system and method for tracking variable processes with varying steps performed by variable entities at variable places and times. The present invention can therefore be used to track unscripted processes that occur in geographically separated locations where the production steps are carried out by different entities in the production chain at their initiative. One feature of the present invention which enables the tracking of dynamic processing is the collection of geographic location data which, in conjunction with the processing time data, data descriptive of the state of the item and identification data related to an item, permits the item to be tracked through a market-driven and dynamically defined production chain.

Applicant respectfully submits that the amendments to the independent claims described above should render them inventive and novel over the references cited. As the result, the dependent claims should also be adjudged novel and inventive due to their dependency from the independent claims. In addition, the dependent claims recite additional novel features which further distinguish over the references cited. For example, Claim 4 as amended states, "said fourth set of data including global positioning system data (56a-56e) corresponding to the location of the first output means (45)."

Since neither Godfrey et al. nor Thorvaldsson et al. discloses the use of global positioning system (GPS) data, they do not suggest use of GPS data pertaining to the location of an output device, such as a label printer.

Applicant respectfully disagrees with the Examiner's conclusion that the quality assurance techniques disclosed in Godfrey et al. would suggest to anyone that such manufacturing process checking would be related to or of use in maintaining and tracking the performance of an athlete as claimed in Claim 24.

By way of further example, Claims 27 and 28 as originally presented relate to a tracking system utilizing a label printer which prints labels representative of data concerning items and re-labeling the items with data that reflects up-to-date product history. These labels are selected from the group 2D barcode label, Data Matrix label, barcode labels and text labels. While some mention of labels is made in the Godfrey et al. and Thorvaldsson et al. references, Godfrey et al. explicitly teaches away from the use of labels in paragraph 0004, noting that they are inconvenient, complex and costly to utilize to mark a product. In that same paragraph, Godfrey et al. suggests that the use of labels results in a final product having many separate markings and are therefore undesirable from a product aesthetic standpoint. This implies that Godfrey et al. does not contemplate the possibility of re-labeling a product as it goes through processing as taught by the present invention and as

claimed in Claims 27 and 28. The patent to Thorvaldsson et al. refers to the fact that meat can be identified with barcode labels or RFID tags and that such means of identification can be utilized to identify the meat as it is processed through various stages. However, Thorvaldsson et al. is thought to be silent as to how that is done except to state that the original label may accompany the meat as it is processed or a label placed on a bin in which the meat is transported. There is no mention made, for example, of a label printing process or the re-labeling of a cut of meat such that the new label reflects the additional processing that the meat has undergone, where and when that processing occurred and who did it. While some of this information is stored on the computer system of the Thorvaldsson et al., it is not independently recorded on a label.

While the Godfrey et al. application does mention use of cell phones in their system, there's no mention that the cell phone has imaging capability and no mention as to why the imaging capability of cell phone would have utility in the processing described in that application. A review of paragraph 0063 of Godfrey et al., which was pointed out by the Examiner as pertinent to this feature, reveals a mention of "an optical network" as an alternative to a copper wire system or cellular system. It is thought that the reference to optical network in this context is a reference to a network of fiber optic transmission lines rather than a reference to cell phone imaging. Claims 32 and 33 as originally filed, relate to cell phone imaging capability for

data capture and In Claim 33, the data capture process is identified as the capturing of label image data for transmission over the Internet for subsequent processing by a remote computer. Since the references cited do not describe cell phone imaging, or the use of cell phone imaging at all, they could not possibly contemplate or suggest the use of such cell phone imaging to read and capture label image data for transmission over the Internet, as is claimed in Claim 33 of the present application.

Claims 39, 40, 41, 42 and 43, as originally filed, all relate to collecting data for the purpose of identification of information for a person. While the Thorvaldsson et al. reference does describe the use of an RFID tag on workers at various stations in a butchering house for the purpose of correlating the identity of the worker with the processing of a particular piece of meat, there is no mention of collecting first and second data sets including global positioning system data, state data, time and identification data pertaining to a person as claimed in Claim 39. As claimed in Claim 40, in the present invention, the data collected may be utilized for the purposes of scheduling, security and/or timekeeping. None of the references disclose utilizing their respective systems for recording information pertaining to access data for controlling access of a person to a secure site or for retrieving data from an access token carried by a person, as described in Claims 42 and 43 of the present application. Accordingly, the various dependent claims discussed above should distinguish over the references in their original filed



form and also due do the amendments made to the Independent claims from which they depend.

A set of new claims, namely, Claims 44-52 have been added to emphasize unique features of the present invention over the references cited. Namely, Claim 44 recites that the system is operative for tracking changes in state associated with functions conducted by entities at the initiative of the entity. This is consistent with the disclosure of the specification of the present invention wherein it describes various entities making trackable transactions in geographically separated locations driven by commercial considerations and logistics in the production chain.

As described in the specification at page 19, the present invention allows for the recordation of tables of data transactions from various specific geographic locations. These tables can be linked by source and destination fields such that each record entry signifying a data entry transaction typically associated with a state change for the commodity will indicate the geographic location and time when the entry was made, as well as the geographic location from which the commodity was received and optionally, the target geographic location to which the commodity is to be sent. As claimed in Claim 45, using such information, the present location of all commodities can then be ascertained to trace forward in order to implement a product freeze or recall. Further, the information enables a trace

back to the source of contamination for the purpose of diagnosis by identifying the various processing points that the item experienced.

As a further distinction from the highly controlled and limited scope of processing envisioned by the Godfrey et al. application and the Thorvaldsson et al. patent, Claim 46 states that one of the functions of the present system is to trace livestock, but not only at a meat processing plant as in Thorvaldsson et al., rather, through the entire chain of production, including breeders, ranches, slaughterhouses and retail meat outlets, (tracing such functions as breeding, raising, providing veterinary care, shipping, slaughtering, butchering, packaging and selling). None of the references suggest this broad and dynamically variable range of tracking capability.

As noted, the present invention uniquely utilizes geographic information collection at the various points of processing. Claim 47 reemphasizes this distinction by noting that the global positioning system data is indicative of the identity of entities. In Claim 48, the global positioning data is specified as including the latitude, longitude and elevation. None of the references suggest utilizing latitude, longitude or elevation information in any of the data capture processes disclosed therein. Claim 49 reemphasizes the distinction noted above with regard to the use of labels relative to the references cited. Claims 50-52 reemphasize the distinction recited above pertaining to the use of cell phone imaging capabilities.

Applicant appreciates the Examiner's review and examination of the present application and has made amendments to the claims to distinguish over the references cited and has offered remarks to further point out the novelty and inventiveness of the claimed invention relative to the references cited. For the foregoing reasons, applicant respectfully requests the Examiner to issue a report indicating that the amended claims now qualify under the provisions of the Patent Cooperation Treaty as novel and inventive.

Respectfully submitted,

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**Claims:**

1.       A system (10) for collecting and recording data (38) on an item (12a)  
as the item experiences changes in state over time, said system being  
characterized by first data input means (36) for capturing a first set of data  
5       (38) pertaining to a first state of the item (12a) in a first environment (14a),  
said first set of data including global positioning system data (56a-56e)  
corresponding to the item's location in the first state at a first time, data  
descriptive of the first state of the item and identification data correlated to the  
item (12a); second data input means (36) for capturing a second set of data  
10       (38) pertaining to a second state of the item (12b) in a second environment,  
(14b) said second set of data including global positioning system data (56a-  
56e) corresponding to the item's location in the second state at a second time,  
data descriptive of the second state of the item and identification data  
correlated to the item (12a); data processing means (22) for storing said first  
15       and second sets of data (38) in a database (26) and selectively accessing  
said first and second sets of data (38) from said database (26); and  
communication means (20) for communicating said first and second sets of  
data (38) to said data processing means (22), said data processing means  
(22) capable of generating a chronologically and/or geographically ordered,  
20       site-specific history of the item, describing each state of the item at each time  
and location for which data was collected.
2.       The system (10) of Claim 1, further characterized by transportable data  
storage means (40) for receiving and storing a third set of data (38), said

transportable data storage means (40) physically accompanying the item  
(12a) for a selected length of time.

3. The system (10) of Claim 2, further characterized by a third data input means (36) for reading said transportable data storage means (40) and  
5 accessing said third set of data (38).

4. The system (10) of Claim 3, further characterized by a first output means (45) for writing a fourth set of data (38) to said transportable data storage means (40, 46), said fourth set of data including global positioning system data (56a-56e) corresponding to the location of the first output means  
10 (45).

5. The system (10) of Claim 3, characterized in that said first and second sets of data (38) at least partially include data (38) observed about the item in the first (14a) and second (14b) environments, respectively.

6. The system (10) of Claim 4, characterized in that said third set of data  
15 (38) is captured by at least one of said first and second data input means (36).

7. The system (10) of Claim 4, characterized in that a portion of at least one of said first and second sets of data (38) is included in said fourth set of data (38).

8. The system (10) of Claim 7, characterized in that a portion of said third  
20 set of data (38) is included in said fourth set of data (38).

9. The system (10) of Claim 4, characterized in that said first output means (45) is selected from the group consisting of: a 2D barcode label

printer, a Data Matrix label printer, a barcode label printer, a text label printer, a magnetic card writer, a magnetic stick writer, a floppy disk writer, and a CD writer.

10. The system (10) of Claim 3, characterized in that said third data input means (36) is selected from the group consisting of: a 2D barcode label reader, a Data Matrix label reader, a CCD camera, a barcode reader, a magnetic stripe reader, a magnetic card reader, an EID tag reader, an RFID reader, a color-coded image reader, a cell phone, a magnetic stick reader, a CD reader, a floppy disk reader and an optical character reader.
- 10 11. The system (10) of Claim 2, characterized in that said transportable data storage means (40) is selected from the group consisting of: a 2D barcode label, a barcode label, an EID tag, an RFID, a color-coded image, a Data Matrix label, a magnetic stripe, a magnetic card, a magnetic stick, a ROM chip, a text label, a floppy disk and a CD disk.
- 15 12. The system (10) of Claim 1, characterized in that said first data input means (36) is selected from the group consisting of: a Personal Digital Assistant (PDA), a cell phone, a digital camera, a handheld computer, a personal computer with keyboard, and a weighing scale.
- 20 13. The system (10) of Claim 1, characterized in that said data processing means (22) includes a computer (24) programmed with database management software.

14. The system (10) of Claim 1, characterized in that said communications means (20) includes a network and said data processing means (22) is connected to said network.

15. The system (10) of Claim 14, characterized in that said network (20) is the internet.

16. A method for tracking an item (12a) as it changes state (12a, 12b, 12c) and environment (14a, 14b, 14c) over time, said method being characterized by:

(A) collecting and recording a first set of data (38) pertaining to an item (12a) in a first state in a first environment (14a), said first set of data including geographic position data indicative of the item's location in the first state at a first time, data descriptive of the first state of the item and identification data correlated to the item (12a);

(B) changing at least one of the first state (12a) and the first environment (14a) of the item (12a) to a second state (12b) and a second environment (14b);

(C) collecting and recording a second set of data (38) pertaining to the item (12a, 12b) said second set of data including geographic position data indicative of the item's location in the second state at a second time, data descriptive of the second state of the item and identification data correlated to the item (12a);

(D) communicating the first and second sets of data (38) to a data processing system (22);

- (E) storing the first and second sets of data in a database (26) of the data processing system (22); and
- (F) Selectively accessing at least a portion of the first and second data (38) sets, said data processing system (22) capable of generating a chronologically and/or geographically ordered, site-specific history of the item describing each state of the item at each time and location for which data was collected.
- 5
17. The method of Claim 16, further characterized by the step of reading a third set of data (38) from first media (40, 50) physically accompanying the item (12a).
- 10
18. The method of Claim 17, further characterized by the step of writing a fourth set of data (38) on second media (40, 50), said second media (40, 50) then being physically associated with the item (12a) to accompany the item (12a) for further changes in environment (14a, 14b).
- 15
19. The method of Claim 16 characterized in that said step (A) of collecting includes capturing observed data (38) concerning the item (12a) when the item (12a) is in the first environment (14a).
- 20
20. The method of Claim 18, characterized in that the step (A) of collecting includes capturing observed data (38) concerning the item (12a) when the item (12a) is in the first environment (14a), the step of communicating includes transmitting the first set of data (38) over the internet (20) to the data processing system (22), the step of storing includes entering the first set of data (38) into a database (26) on the data processing system (22) and the



step of selectively accessing includes submitting ( ) query via database management software to select data (38) from the database (26) in response to a user-defined criterion.

21. The method of Claim 16, characterized in that said step of accessing is  
5 conducted in the course of identifying the source of a health threat associated with the item (12a, 12b, 12c).
22. The method of Claim 21, characterized in that the item (12a) is a food product.
23. The method of Claim 16, characterized in that the item (12c) is a  
10 component of a composite item (12a, 12b) having additional compositional items (12b, 12c) and further comprising the steps of tracking the additional compositional items (12b, 12c) and the composite item (12a, 12b) by performing the steps (A) through (F) for each.
24. The method of Claim 16, characterized in that the item (12a) is the  
15 performance record of an athlete.
25. An item tracking system (10) for collecting and recording data (38) on an item (12a) as the item (12a) experiences changes in state over time, said item tracking system (10) being characterized by:
- (A) a server computer (22) with data processing capability and a  
20 database (26) , said server computer (22) connected to the internet (20);

(B) a plurality of geographically separated node systems (18a, 18b, 18c) connectable to the Internet (20), each of said plurality of node systems (18a, 18b, 18c) capable of capturing data (38) concerning the item (12a) as the item is processed by a plurality of different, geographically separated entities in the chain of production, said data including global positioning system data (56a-56e) corresponding to the item's location at various times and states of (22) the item (12a, 12b, 12c), data descriptive of the various states of the item and identification data correlated to the item (12a) and communicating the captured data (38) to the server (22) via the Internet (20) for storage in said database (26), said server computer (22) capable of generating a chronologically and/or geographically ordered, site-specific history of said item (12a) from the data (38) captured and sent to said server (22) from said plurality of node systems (18a, 18b, 18c) and describing each state for each time and location for which data was captured.

26. The tracking system (10) of Claim 25, further characterized by a label reader (36f<sub>1</sub>) associated with at least a portion of said plurality of node systems (18e, 18f), said label reader (36e, 36f<sub>1</sub>) capable of reading labels (46d, 46e) physically associated with the item (12e, 12f) to obtain label data (40) and communicating that label data (40) to said server (22).

27. The tracking system (10) of Claim 26, further characterized by a label printer (45d, 45e, 45f<sub>1</sub>, 45f<sub>2</sub>), said label printer (45d, 45e, 45f<sub>1</sub>, 45f<sub>2</sub>) printing labels representative of data (38) concerning the item (12e) and thereby

permitting the item (12e) to be relabeled with data (2<sup>a</sup>) that reflects an up-to-date product history.

- 5 28. The tracking system (10) of Claim 27, characterized in that the type of label (46d, 46e, 46f) produced by said label printer (45d, 45e, 45f<sub>1</sub>, 45f<sub>2</sub>) is selected from the group consisting of: 2D barcode label, Data Matrix label, barcode label and text label.
- 10 29. The tracking system (10) of Claim 27, characterized in that the label (46d, 46e, 46f,) printed by said label printer (45d, 45e, 45f<sub>1</sub>, 45f<sub>2</sub>) includes the internet address of said server (22) and identification data for identifying the item (12a, 12b, 12c).
30. The tracking system (10) of Claim 25, characterized in that the captured data (38) on the item (12a, 12b, 12c) is communicated to said server (22) along with data (38) indicative of the geographic location of the item and time.
- 15 31. The tracking system (10) of Claim 30, wherein said at least one of said plurality of node systems (18a, 18b, 18c) includes a cell phone.
32. The tracking system (10) of Claim 31, wherein said cell phone has imaging capability.
- 20 33. The tracking system (10) of Claim 32, wherein said cell phone is capable of capturing and transmitting label image data over the Internet for subsequent processing by a remote computer.

34. The system (10) of Claim 1, further including display means (30) associated with at least one of said first data input means and said second data input means for displaying at least one of said first set of data and said second set of data.
- 5 35. The system (10) of Claim 34, wherein at least one of said first set of data (38) and said second set (38) of data includes identification data (54a-54e) pertaining to said first environment (14a, 14b, 14c) and said second environment (14a, 14b, 14c), respectively.
- 10 36. The system (10) of Claim 35, wherein said identification data (56a-56e) includes an internet address (54a) for connecting to a website associated with at least one of said first environment (14a, 14b, 14c) and said second environment (14a, 14b, 14c).
- 15 37. The system (10) of Claim 2, wherein said third set of data (38) is selectively composed of at least one of said first set of data (38) and said second set of data (38).
38. The system of Claim 14, wherein said communication means (44) includes a wireless connection to the internet (20).
39. The method of Claim 16, wherein said steps (A) and (C) of collecting and recording pertain to identification of information (38) for a person.
- 20 40. The method of Claim 39, wherein said information (38) is utilized to track a person for the purposes of at least one of scheduling, security and timekeeping.

41. The method of Claim 16, wherein said steps (A) and (C) of collecting and recording pertain to access data (38) controlling the access of a person to a secure site.
- 5 42. The method of Claim 41, wherein at least one of said steps (A) and (C) of collecting includes retrieving data (38, 40) from an access token (40, 40d, 46d-46f) carried by a person.
43. The method of Claim 42, wherein said access token (40, 40d, 46d-46f) is in the form of an ID card bearing digitally recorded data (38, 40).
- 10 44. The system of Claim 4, wherein each change in state is associated with a function conducted by an entity on the item at a location, each function being conducted at the initiative of an entity.
- 15 45. The system of Claim 44, wherein said data processing means (22) can generate a report showing a trace back or trace forward from any given state, time and/or location of an item to show preceding and/or antedating states, times, locations, entities, functions and item descriptions.
46. The system of Claim 44, wherein the item is livestock and the entities include breeders, ranches, slaughter houses and retail meat outlets and the functions include breeding, raising, providing veterinary care, shipping, slaughtering, butchering, packaging and selling.
- 20 47. The system of Claim 4, wherein said global positioning system data is indicative of the identity of entities.

48. The system of Claim 4, wherein the global positioning data includes latitude, longitude and elevation.

49. The system of Claim 4, wherein said first output means is selected from the group consisting of a 2D barcode label printer, a Data Matrix label printer, a barcode label printer and a text label printer, said third data input means (36) is selected from the group consisting of: a 2D barcode label reader, a Data Matrix label reader, a CCD camera, a color-coded image reader and an optical character reader and said transportable data storage means (40) is selected from the group consisting of: a 2D barcode label, a barcode label, a color-coded image, a text label and a Data Matrix label.

50. The system of Claim 1, wherein at least one of said first data input means and said second data input means is a cell phone with imaging capabilities, said data descriptive of said first or second state including an image of the item captured by the cell phone.

51. The system of Claim 3, wherein the third input means is a cell phone with imaging capabilities and said transportable storage means (40) is a label, said cell phone capturing an image of the label and transmitting the label image to said data processing means for decoding.

52. The system of Claim 3, wherein the third input means is a cell phone with imaging capabilities and said transportable storage means (40) is a label, said cell phone capturing an image of the label and decoding it within the cell phone using an on-board decoding program.

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